



June 25, 2013

John Traversy  
Secretary General  
Canadian Radio-television and Telecommunications Commission  
Les Terrasses de la Chaudière  
1 Promenade du Portage  
Gatineau, Quebec J8X 4B1

Dear Mr. Traversy,

**Re: Compliance and Enforcement Notice of Consultation CRTC 2013-140 *Review of the Unsolicited Telecommunications Rules* – CWTA Reply Comments**

1. The Canadian Wireless Telecommunications Association (CWTA) is the recognized authority on wireless issues, developments and trends in Canada. It represents wireless service providers, as well as companies that develop and produce products and services for the industry.
2. CWTA is pleased to file its reply comments with respect to the above-noted proceeding. CWTA and its members respect any consumer's individual preferences, and their right, to insulate themselves from undue inconvenience or nuisance with respect to telemarketing. In delivering wireless telecommunications service to more than 26 million Canadians, Canada's wireless service providers strive to ensure that experience is to each customer's satisfaction. As such, CWTA fully supports the intent of the UTRs and any amendments that would make them "more effective in reducing the number of unwanted telemarketing calls while facilitating more effective communications between organizations and consumers."
3. However, CWTA reiterates its position that any necessary changes to the UTRs should not result in unintended negative consequences for Canadian consumers, including wireless subscribers. Specifically, any amendment to the UTRs related to internal DNCL obligations should not inadvertently prevent wireless service providers from serving their own subscribers. CWTA notes the vast majority of other organizations and associations intervening to the proceeding support the same principle, which we highlight below.

**Wireless service providers must always be able to contact their own subscribers to provide valuable service information or notifications**

4. Currently, wireless service providers are logically permitted under the UTRs to contact their own customers that are on their internal DNCL as long as the telecommunication is not for the purpose of solicitation. Section VI of the call for comments questions whether this should remain the case, asking if "the UTRs related to obligations to maintain internal DNCLs be broadened to capture **all unsolicited telecommunications** made by

exempt entities, with the exception of those related solely to a survey of members of the public, irrespective of the purpose of the telecommunication.”<sup>1</sup>

5. Some provincial consumer legislation requires service providers to notify consumers a fixed number of days before the end of their contract, or within a fixed number of days of making a change to an optional element of their contract. These communications can be handled efficiently and effectively via voice and text, particularly where the carrier does not possess any other customer name and address information apart from the phone number associated with the account.
6. Expanding the UTRs to capture *all unsolicited telecommunications* would prevent wireless customers from receiving necessary service calls or notifications, even if that is not the intent of the proposed revision. As such, CWTA reiterates that the UTRs with respect to internal DNCLs should not be broadened to capture all telecommunications not for the purposes of solicitation. Most other organizations and associations support the same principle.

**Businesses must maintain the ability to contact their own customers to provide important information in timely fashion**

7. CWTA has reviewed the other interventions to this proceeding and notes that the vast majority of associations and organizations also identify the importance for businesses to maintain the ability to deliver important information to their clients in a timely manner. Indeed, PIAC/CAC/COSCO noted in its submission that telecommunications providers continue to be able to “call customers who may be exceeding data or voice roaming and incurring high charges.”
8. In addition to the need to provide necessary service information, other businesses note that communication with clients is necessary for fraud prevention and security reasons. To highlight a few submissions:

**Canadian Life and Health Insurance Association:** “For reasons of effectiveness, timeliness or security, a financial institution may decide that a telephone inquiry is the best way to ask a client about unusual account activity.”

**Canadian Bankers Association:** “Banks make telecommunications calls to consumers for various non-marketing purposes to communicate important information and draw important issues to their attention. This includes security issues related to a customer’s credit or debit card, non-activation of credit cards, emergency branch closures, concerns about deposit accounts being overdrawn, and missed or overdue payments on a credit facility.”

**Canadian Marketing Association:** “There are any number of purposes for which telecommunications may be made, from safety concerns to health to warranties. These types of calls are clearly of benefit, if not necessity, to consumers.”

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<sup>1</sup> Emphasis added.

9. There are clearly multiple important reasons to continue to ensure customers can receive crucial messages from companies with whom they have an existing business relationship. Conversely, prohibiting organizations from making such communications to their clients could have significant unintended consequences for consumers.

**ADAD rules should not unintentionally discourage customers from hearing important service messages**

10. Further to the goal of ensuring wireless customers receive important service messages as efficiently as possible, CWTA also supports TELUS' proposed amendment to the in-message requirements for Automatic Dialing-Announcing Device messages. Currently, ADAD telecommunications must begin by providing the mailing address and a local or toll-free telecommunications number "at which a representative of the originator of the message can be reached." As TELUS notes, "providing either an email or postal address, and the phone number at the front of the message is inconvenient for customers, as it prolongs the ADAD message by 10 – 15 seconds up front."
11. TELUS additionally notes that it has experienced situations where customers receiving permitted ADAD messages (such as reminding a customer of a technician visit) listen only to the contact information at the beginning of the message, hang up the phone, and call the provided number without hearing the purpose of the message. Permitting the sender's contact information to be provided at the end of an ADAD message would better ensure the recipient is aware of the purpose of the message before determining whether to follow up with the sender.
12. As such, CWTA supports TELUS' proposed amendments to paragraph 43 (d) of Appendix 1 to Decision 2007-48 (and the corresponding section 4 d) of Part IV: Automatic Dialing-Announcing Device (ADAD) Rules of the amalgamated version of the UTRs.<sup>2</sup>

**Conclusion**

13. CWTA reiterates its respect for each consumer's right to insulate themselves from undue inconvenience or nuisance with respect to telemarketing. We also support the intent of the UTRs and any amendments that would make them "more effective in reducing the number of unwanted telemarketing calls while facilitating more effective communications between organizations and consumers."
14. In determining which amendments are required, CWTA respectfully submits that the Commission ensure that all amendments are proportionate to their purpose and do not result in any unintended negative consequences for Canadian consumers, including wireless subscribers. As CWTA has submitted, and has been submitted by many other interveners to this proceeding, expanding the UTRs with respect to internal DNCLs to include all unsolicited telecommunications would negatively affect customer service and security.
15. Non-telemarketing calls from wireless providers to their customers (e.g. service calls or notifications) are appreciated and often required by provincial legislation. Indeed, wireless subscribers should not be prevented from receiving necessary customer service calls due to amendments to the UTRs.

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<sup>2</sup> TELUS' May 6<sup>th</sup> Intervention. Paragraph 31.

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